

Negotiating with Villains

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Negotiating with Villains

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"No-negotiation" is the guiding principle in some extreme international conflicts.¹ In fact, when the other side has been elevated to the role of villain, demon, rogue, or pariah, policy generally dictates that negotiation is not a valid conflict resolution option. But why? Is negotiation seen to be a benefit for the villain? Is negotiation viewed as a sign of weakness or appeasement by the one who proposes it? Are there fears of double-cross by the villain? Will the party suggesting negotiation lose face? Or is a no-negotiation policy simply a tactic of incapacity, indicating that all bridges to a peaceful dialogue have been burned and the only option to resolve the impasse is for the villain to comply with the offeror's demands?

In a 9 September 1994 "op-ed" article in the *Washington Post*, the former Foreign Minister of Israel, Abba Eban, argued forcefully that national leaders have an *obligation* to their constituents to negotiate directly and early with even their most detested villains to achieve pragmatic compromises. The no-negotiation principle should not be an option. Eban asserts that leadership needs to adopt normative goals to avert violence, save lives, and allow people to live peaceful lives, regardless of the roots of the conflict. Too often, Eban wrote in that 1994 newspaper piece, leaders view extreme conflicts in self-righteous, ideological, morally superior and emotional terms, based on concepts of virtue, justice and legitimacy that may be misplaced given the situation. While an adversary may, in fact, pose a real risk to the established order, leaders ought to be obliged to find ways to mitigate the threat through peaceful negotiation, even with the most unthinkable of villains.

Some leaders (e. g., de Klerk and Mandela in South Africa ; Rabin, Peres and Arafat in Israel ; and Major and Adams in Northern Ireland), after spending most of their political careers painting their opponents as unspeakable villains, somehow were able to reframe the problem and negotiate mutually acceptable compromises based on pragmatic self-interest. In doing so, they succeeded in

convincing their attentive publics that their shift in negotiation policy was reasonable. This "new diplomacy," as Eban calls it, is what diplomacy traditionally has always been about: finding accommodation among intrinsically self-interested parties. The sometimes successful search for such accommodation can take the form of direct and official face-to-face talks or informal back-channel discussions that test the waters on possible proposals. The unofficial route often allows leaders to villainize *and* negotiate at the same time, offering an easy path for denial if the negotiation attempt fails or yields unfavorable outcomes.

How were the leaders mentioned here capable of the decision to negotiate despite the villainization of the opponent and their long-standing feuds? What keeps other leaders from following in their footsteps? Despite recent examples, negotiation is perceived as appeasement of an illegitimate aggressor, a villainized adversary. The memory of Chamberlain appeasing Hitler's aggression in Czechoslovakia remains remarkably fresh, despite the passage of nearly 60 years. Negotiating with aggressors can be seen as validating their aggression (Laqueur 1980). It can be viewed as a sign of weakness by the initiating party and a willingness to accept a solution dictated by the aggressor. Negotiating with such opponents is often avoided for fear of encouraging further violent reactions by that and other such groups. National leaders do not decide easily to negotiate in extreme conflict situations because they want to avoid the negative public opinion that labels them as appeasers and they are fearful of the real disruption to the established order posed by the adversary.

Fisher, Ury, and Patton (1991), like Eban, encourage leaders to negotiate with terrorists and other villains, even as heinous as a Hitler, unless they have a better alternative to a negotiated agreement (BATNA). Increasing communication with such foes, they believe, will offer the opportunity to exert meaningful influence over them. Only through active negotiation, not by closing off the negotiation option, can one learn enough about the villain's interests to find a viable formula. Moreover, negotiating with villains should not be viewed as an ethical question. "...(N)egotiating does not require compromising your principles," write Fisher, Ury, and Patton (1991 : 164). If a substantial number of national interests can be achieved through pragmatic negotiations, it is worthwhile. If negotiations can facilitate pragmatic accommodation that yields results better than the BATNA, it benefits the country.

Other negotiation literature on prenegotiation (Stein 1989), ripeness of conflict (Zartman 1989), turning points (Druckman, Husbands, and Johnston 1991), and creativity (Spector 1995) seeks to explain the factors that stimulate parties to accept negotiation as the appropriate means of resolving their

conflicts. However, this literature deals with normal diplomatic situations—that is, mixed-motive conflicts or problems that can be managed through established negotiation procedures and be maintained at low-conflict levels (Jentleson and Lund 1994). When confronted with extreme, prolonged and ideological conflicts and with villainized enemies, it is not clear that the same factors are sufficient to explain this decision-making process. Affective reasons play an important role, as well as the need for a complete reconstruction of the problem and a subjugation of principles.

The very decision to negotiate in such circumstances instead of continuing a violent struggle often requires a step-level change. In South Africa, Israel, and Northern Ireland, national leaders appear to have undergone a metamorphic process, though at a much later stage in the dispute than Eban would have wanted, after their countries sustained intensive conflict and trauma. Such a change involves an essential frame-breaking prenegotiation decision, a decision that must overcome the ideology, partisanship and long-term hatred and emotion characteristic of these conflicts. Moreover, the decision must overcome the very designation of the other party as a villain, the socialization of villainization and, most importantly, the problem of saving or protecting face. Without this prenegotiation decision, real negotiation will never occur.

Villainization

Enemies are persons, groups, or countries perceived to be threatening or harmful, whether or not that perception is based on fact or a projection of fears (Finlay, Holsti and Fagen 1967; Klare 1995). But not all enemies are the same. Enemies who are “low-salient,” for example, may present a risk, but are passive, weak, or pose minimal threat to basic beliefs and norms. “High-salient” enemies, on the other hand, may be viewed as the incarnation of evil, symbolizing the antithesis of a country’s core values and beliefs.² High-salient enemies are thus portrayed and perceived as villains, demons, rogues, rebels, outlaws, or pariahs. A villain is the most extreme of enemies, one who is seen as believing and acting in contravention of or in a manner that is totally indifferent to accepted norms of specific societies and, sometimes, the international community. Important to remember is the fact that villains are designated as such by others; villainy is in the eye of the beholder.

Overt support for terrorist groups, trafficking in illegal drugs, blatant disregard for human rights, exporting revolution to unstable regions, explicit deception in international affairs, and illicit trade in banned weapons are all grounds for labeling a nation or group as a villain, inviting certain punishments and sanctions *and* providing the pretense for other countries to refrain from

negotiating with them. Certain actions or policies exercised by a government that are purely domestic in nature can also cause a government to be labeled as a villain; for example, a so-called villainous regime may govern by force and fear or may be ruled by leaders considered to be criminals and morally unfit.

Villains are usually villainized for a variety of actions that they have taken. The United States, for example, maintains several categories, most defined by national laws or international agreements, by which it officially designates villains. These include:

- countries that *sponsor terrorism* (currently designated as Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria [U. S. Department of State, 1995a]) —in compliance with the *U. S. Export Administration Act of 1979*.
- *drug-producing and/or drug-transiting countries* (currently designated as Afghanistan, Burma, Iran, Nigeria and Syria [U. S. Department of State, 1995b]) —in compliance with the *1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*.
- countries with which diplomatic relations have been broken unilaterally because of deeply-rooted political conflicts with allies or the United States (for example, during the Cold War, divided states such as East Germany, North Korea and North Vietnam [Berridge 1994]).
- countries that develop and export weapons of mass destruction—in compliance with the *Chemical Weapons Convention*, the *Nuclear Non-Proliferation Treaty*, and other agreements.
- countries that have demonstrated major violations of human rights of its own citizenry—in compliance with the *1984 UN Convention Against Torture*.

Rogue states or groups usually do not view what they are doing as unacceptable or wrong; they do not define themselves as villains, but are designated as such by others. The so-called villain may be following an internally logical policy (for example, sponsoring liberation movements or unsettling Western hegemony in a region). It may view its cause as righteous and its position as defending “the cause.” However, within the context and norms of the international community, its actions may be viewed as perverse.

From the designator’s perspective, villains are created and unmade for opportunistic reasons. They can serve to foster in-group strength. Some suggest that countries may need enemies—especially heinous enemies—to serve as scapegoats on which to displace frustration, justify improper actions, and assume a position of higher morality (Finlay, Holsti and Fagen 1967; Volkan 1988). Demonization and dehumanization of the enemy are strong psychological motives that help countries clarify their purpose and demarcate their goodness from the other’s badness. Villains may be designated as part of power play to

gain leverage in the international context and rally domestic sentiment, perhaps forcing negotiation in the end, but at a risk of threatening lives and promoting conflict and struggle in the short term.

Implications of Villainization

As a result of being villainized, the designated states or groups bear the brunt of certain sanctions and restrictive actions. For example, they may lose diplomatic relations with key countries, they may be subject to particular export controls, trade and financial transactions may be controlled, and travel for the country's citizens and leaders may be limited. Ostracism and the breaking of formal and informal channels of communication can create harsh conditions for the villain. One of the major consequences of villainization is the closing off of the negotiation option and the peaceful settlement of disputes. The goal of all of these sanctions is to change the behavior of the villainous country. Sometimes they succeed over time, but often the immediate response of the villain is further rigidity in its position and an escalation of the conflict.³

Designator states are motivated to initiate the process of villainization for various political reasons. Some reasons are for export and some for domestic consumption. From the perspective of export, villainization is meant to weaken the leaders of the villainized state or group in the eyes of their people. The process is intended to indicate to them that their leaders have fallen from grace in the international community and, as a result, the people will suffer certain negative consequences. They will no longer be viewed as legitimate partners in the international community. Allies of the villainized country or group are also put on alert that they may suffer similar sanctions. Aside from the negative words and press, the sanctions themselves—restricted trade and travel, embargoes, boycotts, severing of diplomatic relations, and so on—may have a concrete and direct impact on the well-being of the villainous state or group and its members.

The villainization process is also intended to influence the domestic population in the designator state. It seeks to mobilize domestic perceptions against an outrageous enemy, to portray the other not as just an enemy but as a rogue that must be undone. Socialization of the domestic population through the villainization process prepares them for any potential military action against the enemy. Friedman (1992), McKersie (1992), and Wheeler (1992) assert that to make "going to war" palatable to the American public in the Gulf crisis of 1990, the Bush administration was compelled to villainize Saddam. Saddam was equated with Hitler, the stakes were simplified and moralized, and emotions were aroused about Saddam's demonic and aggressive nature. A no-negotiation

principle was espoused by President Bush, enforced by the villainization of Saddam, and motivated by the fear of appeasement.

Villainization may be able to achieve its objectives with some enemies, resulting in their acquiescence. But with other enemies, the process of villainization may be counterproductive. In some cultures, such as in China, public denunciation as manifested by removing "most favored nation" treatment in the face of human rights violations, for example, may only invigorate resistance to external demands for human rights reform. Rather, quiet negotiations out of the public glare may be more effective in these types of cultures.⁴

Does villainization always yield intractability and limit the negotiation options? Commonly practiced by all sides in ethnopolitical struggles, villainization is often viewed as one of the major reasons for stalemate. However, Gurr (1992) concludes that these types of conflict are usually negotiable. Historically, some form of negotiation often yields peaceful solutions in the short run between feuding ethnic groups and the ruling government, although new conflicts, backlashes, and subversions of agreements may arise later. Even if these deeply rooted disputes are not entirely resolvable, but only manageable over the long term (Richardson 1992), the negotiation process is a viable and available mechanism if leaders can only unleash themselves from rigid policies of no-negotiation with their villains and find ways of saving face to avert charges of appeasement.

Deciding to Negotiate

The decision to negotiate with villains—either through official or unofficial channels—requires a reversal of the villainization process. Despite the repulsive actions and values attributed to the villain, the designator country may decide that it is better to take a pragmatic road and negotiate rather than continue the struggle. Idealistic motives may prevail—leaders may see it as their duty to protect and ensure the peace and security of their citizens and therefore to negotiate. But this conversion from villainizer to devillainizer does not necessarily imply that ideological differences are abandoned or compromised. Israel's decision to negotiate directly with the Palestinian Liberation Organization, for instance, did not usher in a total collapse of Israel's quest for security. It may just indicate a realization that short-term goals can be achieved through negotiation better than through a continued struggle.

But there is a risk in devillainizing the enemy for the designating country's leaders. At a minimum, they can be accused of being hypocritical; they turn the demons of last week into the legitimate and respectable partners of this week. At

its worst, leaders directing a devillainization campaign can be accused of being appeasers and traitors.

Jimmy Carter, for example, was vilified as “a collaborator in evil,” “amoral,” and “a menace” for negotiating as a private citizen with the Bosnian Serbs in December 1994 to achieve a ceasefire.⁵ He was called “naïve” (Mollins 1994), “soft on dictators” (Rose 1995), and accused of “making pacts with oppressors” and “wheedling ‘respect’ for torturers” (Schorr 1994) for his interventions on behalf of the U. S. government in North Korea and Haiti. He had been castigated as negotiating in “the lair of ‘thugs’” and as “declaring (dictators) to be men of honor” (Kramer 1994).⁶

Despite these accusations, Carter has been willing to negotiate with villains, but only once his presidency was over, when there could be no reprisal at the voting booth. Ironically, as president, Carter elevated the cause of human rights in U. S. foreign policy and took the high moral road, never to negotiate with immoral leaders. His reversal is based on the belief that communication, respect, trust, and granting legitimacy are essential to ending conflicts (Rose 1995). Carter believes that, in a crisis, it is critical to address the decision maker directly, even if that decision maker has been painted as a villain. By listening to the villain’s interests, it may be possible to devise a formula that can resolve the crisis; without communication—by closing off the negotiation option through villainization—a meaningful and peaceful solution usually cannot be found.

Villains, once designated, are usually denied the privilege of negotiating with other countries directly to resolve the problem. However, without this channel for negotiation, the designator country also limits its own options, relying entirely on sanctions to resolve the conflict. Herein lies the “*villainizer’s dilemma*.” By villainizing a group or state, the designator country seeks to punish and pressure the villain to change its behavior. Sanctions and negative incentives are mobilized. But in so doing, the villainizer greatly limits the possible ways of finding a solution. Responsibility for resolving the crisis is shifted almost entirely to the villain, who must comply with the sanctions imposed and change its villainous behavior before anything else will be forthcoming from the designator country.

The villainizer’s dilemma lies in initiating a peaceful resolution to a crisis with a villain if the villain does not comply with the sanctions within a reasonable time frame. During their defiance of the sanctions, villains can continue, for example, to abuse human rights at home, terrorize their own populations, and export terrorism overseas. With the continued loss of life and human suffering, and in the absence of a ceasefire, for example, designator

countries might feel pressured by the international community and their home constituencies to do something beyond the current sanctions to get the villains to comply.

Under these circumstances, there are at least three decision options for the designator country. One decision is to escalate the sanctions regime—to impose yet harsher punishment on the villain—in the hope that it will break the villain's defiance. However, harsher sanctions—stricter embargoes on trade, restrictions on civil aviation, and so on—may only serve to invigorate the villain's will to defy and generate a greater sense of in-group feeling within the villain's group or state. Moreover, such harsher sanctions would not only punish the leadership, but would also likely increase the hardship of innocent people. Another decision, also escalatory, that could be made by the designator is to take limited strategic military action. Terrorist training camps, nuclear reactors or military headquarters could be targeted, for example. But such military action truly escalates the crisis to a war footing, which may not be in the interest of the designator country.

The third option is to negotiate with the villain. There are obvious risks involved for the designator country to reverse the process and decide to communicate and negotiate. However, if the designator state finds that the policy of villainization does not yield the desired results in a reasonable time frame or it wishes to become proactive in resolving the conflict, it may eventually decide to negotiate.

Four Examples

Four recent international examples illustrate the decision to negotiate with so-called villains under a variety of circumstances.⁷ In two of these examples, regimes with questionable legitimacy challenged the more powerful United States in confrontational episodes to extract concessions. In the other two examples, insurgent groups were involved in often prolonged violent struggles with a government to achieve step-level changes in governance and socio-economic relations. In all four cases, the conflicts can be characterized as the weak versus the strong, where the decision to negotiate served to level the playing field between the parties. Parenthetically, it would not be difficult to imagine similar situations in entirely different contexts—in bitter labor-management disputes or in divorce or child custody proceedings—where the parties have been demonized, villainization has been reversed and successful negotiations conducted.

Israel's Decision to Negotiate with the Palestine Liberation Organization : May

1993

One of the most emotional, deeply rooted, and persistent conflicts of this century has been that between the Israelis and Palestinians. A hundred years of violent conflict between Israelis and Palestinians have resulted in a difficult combination of fear, hatred, revenge, and dehumanization. These emotions have long been taught to their populations, encouraging demonic stereotypes and irrational perceptions, and giving rise to Palestinian terrorism and a heritage of hatred.

However, over a short period of time in the early 1990s, many of the barriers to negotiation were dropped and halting progress made toward achieving an accommodation between the protagonists. One of the major stumbling blocks to direct negotiation was the extreme villainous status accorded by the Israeli government to the Palestinian Liberation Organization (PLO), the body deemed to represent the majority of Palestinians.

The Israeli government “go-ahead” to conduct direct and official negotiations in May 1993 was preceded and catalyzed by four months of unofficial and secret talks conducted by Israeli and PLO-affiliated academics with political access within what has been called “the Oslo channel.”⁸ Because of their unofficial nature, these talks could be plausibly denied if there were leaks or if the talks ended in failure. However, sufficient progress was made to convince the Israeli leadership that authorized and official negotiations were a reasonable next step.

Analysis. Devillainization on both sides—by Israel of the PLO and by the PLO of Israel—was accomplished in a pragmatic way. Neither side denied the fact that it still considered the other an enemy of the worst kind. However, both sides agreed that peace could only come when the negotiation option was made available. Rabin said, “...peace is not made with friends. Peace is made with enemies, and some of them—I will not specify their names—I abhor enormously” (FBIS, 1993 : 17). Elsewhere he said, “Arafat carried out what I considered to be atrocities. But I’ve said more than once in the context of the Arab-Israeli conflict, we make peace, or we negotiate meaningful steps toward peace, with enemies. Sometimes bitter enemies” (Gibbs, 1994 : 22).

The devillainization process that led to the decision to negotiate involved arguments that drew on pragmatism, power relationships, trust, and initiative.

- **Pragmatism :** Rabin accommodated his view of Arafat as a terrorist and murderer with his belief that Israel could “do business” with him. There were other Palestinian leaders and organizations, but Arafat, especially at this point in time, was most favorable from the Israeli perspective and most likely to be

able to deliver on his promises. Rabin said, "I came to the conclusion that it's in their interest as well as our interest. It is not based on any feeling of affection or affiliation" (Gibbs, 1994 : 22). Specifically, the Intifadeh was a constant negative pressure and drain on the Israelis and there was no sign that it would end anytime soon. From the PLO perspective, with no visible progress toward the goal of a Palestinian homeland, the Hamas fundamentalists were winning over converts, and the PLO was strapped for cash as the Soviets and the oil-rich states stopped or reduced their payments.

- **Power Relationships :** Both parties seemed to have realized that it was critical to talk directly with those who had the power to influence the conflict situation, not through proxies or emissaries. Rabin said, "I realized that everything is dictated by the PLO. . . . It's about time we took off the masks at the masked ball and talked to the man in charge" (Gibbs, 1994 : 21, 24). Arafat concurred by saying, "He (Rabin) is the boss, and without him, the accord will not work" (Gibbs. 1994 : 22).
- **Trust :** Both Rabin and Arafat, despite their mutual villainization, had confidence that the other would fulfill their word with appropriate deeds after the negotiation. Arafat described Rabin as, "He was my enemy, but he is a man who fulfills his commitments" (Gibbs, 1994 22). Once the process began, each was dependent on the other to keep it going and, importantly, to maintain the public image that devillainization was not appeasement or "giving in" to the enemy—that devillainization would pay off for both sides in the form of a real peace. As the negotiation process progressed, perceptions of commitment on both side were generated naturally. Moreover, the leaders each had confidence at the outset that they each had the capacity to deliver on their promises.
- **Initiative :** To start the process of devillainization took initiative. To break the frame, each leader had to be willing to take the necessary risks—had to have the courage—to surprise and do something unexpected to open the negotiation channel after so many years of villainization. Rabin said, "I hope that Arafat learned a lesson, as I have learned the lesson, that you have to be more forthcoming" (Gibbs, 1994 : 24).

The Israeli public that had given the Labor Party a mandate to seek peace was also strongly pragmatic. They were tired of the conflict and the violence and the burden of controlling a hostile population. Their support enabled Rabin to take the steps toward opening the channels for negotiation that he did.

The advancing age of the leaders of both Israel and the PLO also may have stimulated movement toward negotiation. If a more peaceful world were to be handed on to the next generation by Rabin and Arafat, negotiations had to begin soon.

In the end, it might be concluded that Rabin decided to negotiate when he did because the PLO was never weaker and needed the "Declaration of Principles" agreement to survive. By saving the PLO, Israel took on only a small risk; if it stood by silently and allowed Hamas to take over, that would be an opening to a much more palpable threat. By supporting Arafat, Rabin would get a partner to help manage fundamentalist and terrorist violence. And Rabin could always tout Israel's superior power to protect himself from the charge of appeasement—that while he might compromise with the villain, he was acting on Israel's behalf from a position of power. He always maintained the military might to protect Israel's security if the deal went sour or Arafat did not live up to his promises.

United States Decides to Negotiate with North Korea: June 1994

In June of 1994, Western fears over the North Korean nuclear weapons program had built to a crescendo, with North Korea extracting fuel rods from its reactor that could be reprocessed into weapons-grade material, withdrawing from the International Atomic Energy Agency (IAEA), threatening to expel IAEA inspectors, and leaving itself isolated from any communication with the West. North Korea had long been condemned in the United States as an outlaw state and its leader, Kim Il Sung, portrayed as a criminal. North Korea had consistently shown indifference to established norms of international behavior. It had sponsored terrorist acts against South Korea since the 1980s. North Korea also had a record of selling intermediate-range missiles to Iraq, Syria, Libya, and Iran and it was feared that it would more likely sell than use nuclear weapons in the future to obtain dearly needed foreign exchange.

Former President Jimmy Carter was granted permission by the US government to travel to North Korea in June 1994 as a private citizen representing The Carter Center of Emory University. The purpose of Carter's trip was to meet with President Kim Il Sung and discuss the reopening of negotiations with the United States concerning the nuclear program in North Korea. As an unofficial party, Carter presented the US position in two days of meetings with President Kim. According to Carter, the North Korean leader readily conceded to all demands, affirming that his country would freeze its nuclear program, refrain from refueling its reactors or reprocessing spent fuel, permit IAEA inspectors and surveillance equipment to remain, and agree to restart negotiations with the

US as a sign of good will, he promised to allow joint US North Korean teams to search for and recover the remains of American soldiers who were buried in North Korea during the Korean War.

In return, President Kim received a resumption of the dialogue with the United States, recognition that North Korea is a legitimate nation, an end to the threat of universal condemnation as an outlaw country, and assurance that the West would support North Korea's efforts to get light water reactor technology.

Analysis. The US administration felt that it needed to be proactive. In the post-Cold War world, nonproliferation had been elevated to a high priority in the foreign policy of the United States. As a well-established rogue state, North Korea could challenge the renegotiation of the Nonproliferation Treaty, actively export nuclear and missile technology to other states, and seriously threaten South Korea and US troops there. The US had three basic options: sanctions, force, and diplomacy.

At the time of the decision to send Carter's negotiation mission to North Korea, there was still a very real question as to whether agreement could have been reached to approve international sanctions at the United Nations. The Russians wanted to delay the decision, the Chinese did not want to place pressure on their allies, the Japanese did not want to place sanctions that could restrict remittances to North Korea from Koreans living in Japan, and the South Koreans were fearful that sanctions could trigger a war.

Some counteraction needed to be taken toward North Korea's challenges. Sanctions were a real threat, but there was still a major problem in mobilizing the international community to agree to impose them. A military strike against the nuclear complex at Yongbyon was one scenario, but it could catalyze a retaliatory response leading to major military conflict on the Korean peninsula. Carter's mission was a last ditch diplomatic option, which, at a minimum, could serve as a delaying tactic for the US administration to cobble together a consensus in favor of the sanctions or some other strategy. Little could be lost by trying the diplomatic route in the short run; the fuel rods could not be reprocessed into plutonium for several weeks when their radioactivity reached safe levels.

With the imposition of international sanctions imminent, Carter's mission was seen as fulfilling a final attempt by the US administration to conduct good faith negotiations to resolve the problem. If these negotiations succeeded, the world would be saved from the uncertainty of North Korean actions in the aftermath of sanctions. If they failed, the sanctions could be imposed, which would overshadow any blame for attempting to deal with the villain. In fact, failure of the talks would merely reinforce the villainous status of North Korea

and its leaders.

Upon Carter's return with President Kim's promises to accede to all of the United States' requests, Carter was confronted by his critics as having appeased the North Koreans. He was labeled as naive and gullible for having believed Kim's words. He was lambasted for allowing the North Koreans to achieve all of their short-term objectives and for characterizing Kim Il Sung as an "honest statesman committed to a peaceful reconciliation with his neighbors" (Weinberger, 1994). In fact, Clinton himself refrained from meeting with Carter personally when he returned to the US. It was only a week later on June 22, when the North Korean government officially confirmed to the US government all of the agreements as presented to Carter and affirmed its desire to renew negotiations with the US in July, that Carter was congratulated publicly by Clinton.

From the beginning, the US administration made a conscious effort to distance itself from the Carter mission until it was viewed as a success. If it had been left to the State Department, Carter would not have gone to North Korea at all and he certainly would not have represented the US position. Clinton, however, appears to have been persuaded that Carter's intervention as a private citizen might possibly serve to avert the impending crisis; but he needed a way to repudiate the intervention if it did not succeed.

Carter ascribed the success of his mission to the confidence building that is inherent in maintaining direct communications even with villains, for the most despised of leaders are often the ones who have the power to actually resolve the problem (Cable News Network, 1994). Sometimes it is difficult to maintain that communication on official levels, according to Carter, but those are the circumstances in which unofficial channels must be forged. Outlawed leaders are often ingratiated by treating them with respect according to Carter. He asserts that the element of distrust can be moderated by holding direct discussions on a very pragmatic basis with those that have the authority and power to make decisions; one must treat such leaders with respect despite one's feelings of repulsion toward them.

At the same time, the threats of international sanctions were probably potent inducements for the North Korean leader to reach an agreement quickly. North Korea would be isolated even more than before; Russia was no longer a strong ally and China had already recognized South Korea. Thus, this "last chance" effort—extending an olive branch in the context of impending sanctions—appears to have been viewed seriously by the North Korean leadership. This type of brinkmanship—allowing for one small, unofficial opening to negotiate at the eleventh hour within the context of a tough strategy with visible punish-

ments for noncompliance—appears to have worked for the US administration, averting charges of appeasement and achieving the desired objectives.

The United States Decides to Negotiate with the Military Leaders of Haiti: September 1994

Haitian military leaders were villainized by the Clinton administration because of their illegal coup in 1991, which toppled a democratically elected leader, President Jean-Bertrand Aristide, from power; human rights abuses; a reign of terror that reportedly claimed over 3,000 deaths; and the resulting tide of Haitian refugees seeking to enter the United States illegally.

On 15 September 1994, President Clinton placed an ultimatum before the three leading Haitian commanders, General Cedras, General Biamby and Colonel Francois: Leave now or we'll force you from power. However, at the eleventh hour on the very next day, President Clinton agreed to dispatch a high-level delegation to Port-au-Prince to negotiate with the generals in the hope that they would step down voluntarily and thereby avert the need to resort to force. The delegation was headed by former President Carter and included former Joint Chiefs of Staff General Colin Powell Jr. and Senate Armed Services Committee Chairman Sam Nunn, whom Carter had recruited. The express purpose of these negotiations was solely to discuss the means of departure of the generals—their departure from office, not necessarily their departure from the country.

Analysis. The success of the diplomatic mission was aided handily by the imminent threat of US military force. Much of the discussion centered around the inevitability of the arrival of US troops in Haiti and that the timetable was already set and could not be altered. Haitian detection of the actual launch of the military operation as the negotiations proceeded served to make the consequences of a negotiation success or failure very real to the Haitian generals. It set a real deadline in the talks that could not be changed.

Very clearly, the villains in Haiti were the military generals who were labeled by the United States one week as dictators and murderers, and officers with honor who should be treated with respect the next week. They were leaders who were viewed as breaking previous agreements—in particular, the Governor's Island Agreement—and thus, as individuals who could not be trusted. However, the United States struck an agreement with these villains that relied on our confidence in their compliance with the basic provisions, their departure from office. Moreover, the chief villain, General Cedras, was treated generously and respectfully. This apparent flip-flop and, some would say, hypocrisy, in US policy was questioned strenuously in the press: How can you negotiate with villains that are both contemptible and untrustworthy?

Carter, in fact, was portrayed by some in the media as an appeaser, posing with “thugs,” declaring them to be men of honor, trusting that their words will be borne out by compatible deeds, granting them legitimacy, and making demonized dictators into de facto leaders (Kramer, 1994). He was seen as “wheedling respect for torturers and making pacts with oppressors” (Schorr, 1994) and for settling for less than the Clinton administration had demanded of him. By deciding to negotiate with villains through the Carter delegation after successfully villainizing them, Clinton was also accused of having few principles, being incoherent in his policies, believing in the religious salvation of even the worst demons, and, ultimately, leading the United States in retreat (Kramer, 1994).

Senator Nunn justified the decision to negotiate with the Haitian villains by indicating that it enabled the US to carry out its chosen policy while greatly reducing the loss of life on both sides (Rose, September 26, 1994). In such cases, he believes that negotiating with villains is justifiable. While the generals may, in fact, be the unsavory and dishonorable characters that had been painted by the US, one tries to appeal to the better instincts of the person one is negotiating with. In order to gain agreement from Cedras, for example, it was necessary to gain *his* understanding and appeal to *his* sense of right and wrong, whether or not it conformed to your understanding or beliefs. In his memoirs (1995 : 602), Powell said, “What happened to the junta was inconsequential. Because of what we accomplished, young Americans and probably far more Haitians, who would have died were still alive. That was success enough for me.” Playing on the honor of dishonorable men, men who had been officially condemned by the United States, was acceptable if the direct consequence was the saving of lives.

The decision to negotiate with the generals was part of a brinkmanship policy to balance unbearable and unstoppable pressure on the villains that threatened their military defeat with an honorable way out through negotiation. If the negotiation failed, the US administration would make good on its threats to invade the island and achieve its goals through military force. If the negotiation succeeded, US troops could enter the country safely and prepare for the exit of the generals and the return of Aristide. Little would be lost and much would be gained by limiting negotiations under the shadow of an invasion. Negotiation also allowed the administration to dodge a possible vote on the matter and the resentment of Congress for not having been consulted on the Haitian plan.

American credibility in international crisis situations had been on the line, especially after fresh and continuing memories of the yet unsolved problems in Somalia and Bosnia. Making a stand in Haiti, the weakest crisis, provided the

opportunity for a success. But with the sensitivity of the American public to possible casualties, the lack of public sentiment for an intervention in Haiti, and the bitterness of Congress to the entire mission, the administration found that a tough military posture balanced by a diplomatic escape channel was the optimal strategy. It could appear strong, resolute and get what it wanted, while avoiding nasty military encounters.

Great Britain Agrees to Negotiate with Sinn Fein : December 1994

The current conflict involving the British government, the Catholic minority and the Protestant majority in Northern Ireland dates back 25 years and has resulted in more than 3,000 deaths. One could say that this conflict began much earlier, and some historians even trace it back to the 12th century invasion of Ireland by the Angle-Normans. The main Catholic protagonist in the contemporary conflict, the Irish Republican Army and its political wing, Sinn Fein, had been clearly designated for years by the British government as an outlawed terrorist group.

The British government agreed to engage in direct discussions with Sinn Fein on 9 December 1994. The ceasefire declared by the IRA on 31 August 1994 had held for three months, and that was the required time period specified by the government as necessary to establish a stable and trustworthy cessation of hostilities.

An entire year before, on 15 December 1993, British Prime Minister John Major and Irish Prime Minister Albert Reynolds had signed the "Downing Street Declaration," which constructed a formula for commencing negotiations that included Sinn Fein. That formula (similar to a failed formula designed in 1985) sought to: (a) reassure the Catholic minority by including the Irish Republic as a player in future all-party negotiations; (b) reassure the Protestants by suggesting that the Irish Republic would accept a solution that maintained the status quo of Northern Ireland's standing in the United Kingdom; and (c) offer a place at the negotiating table to Sinn Fein conditional on a three-month IRA ceasefire. Already on 29 October 1994, Britain's Major had announced that the government was ready to start talking with Sinn Fein, under the presumption that the ceasefire would continue uninterrupted. At that time, Major also promised that troop levels on the streets of Northern Ireland would be reduced and border crossings with the Irish Republic would be opened in line with the reality of the diminished terrorist threat. Additional government promises of private economic investment and European Union funding of new projects in Northern Ireland were held out as carrots for maintaining the ceasefire. Major's statement was clearly a preliminary government reciprocation to the IRA,

encouraging it to hold fast to the ceasefire.

Analysis. Movement to the negotiation table on the part of the government came as reciprocation for the IRA's cease fire initiative. Without that initiative, the government probably would not have commenced negotiation activity in December 1994. The government had been demanding a cease fire from the IRA for a long while and stood firm in its policy to refuse the negotiation option until such a cease fire was not only declared but proven to be long-lasting.

Why did the IRA cease military operations in August 1994?

- The Downing Street Declaration sought to isolate the IRA from its constituency and prod it to commit to a cease fire by reassuring the more moderate Catholic factions in Northern Ireland.
- John Hume, a member of the British and European Parliaments and leader of the predominantly Catholic Social Democratic and Labor Party in Northern Ireland, concluded at least six years of private talks with Gerry Adams in early 1994 with a declaration of principles that established a framework for developing peaceful relations between the Catholic and Protestant communities and between Britain and Ireland. This agreement moderated the position of the more radical Catholic nationalists.⁹
- Perhaps it had something to do with the opening and recognition afforded to Gerry Adams, president of Sinn Fein, by the United States government in March 1994 when Adams was granted a visa to attend a conference in the US. During that visit, Adams was reportedly impressed by the support of the Irish-American community for a negotiated settlement and the implied economic support that the US would make available to Northern Ireland if a negotiated peace were achieved. Not long after that trip, the IRA cease fire was announced.

From the British government's perspective, it had to be made clear for the public that a cease fire was "permanent"; a three month peace was seen by the government as the minimal time necessary to create the public image that the villains had indeed ceased their terrorist activity for good. While it was probably evident to all that a resumption of violence was just lurking below the surface, the veneer of peace was sufficiently visible and the trappings of normality were sufficient after three months to open the way for negotiations with the villain. Actions are more compelling than mere words and only with this public image that the villain had abandoned its villainous ways could the government agree to negotiate with them and not lose face. In the atmosphere of the cease fire, any future government concessions to Sinn Fein would not appear to be surrendering to violence or terrorism.

Thus, the government had pronounced its simple incapacity to negotiate

dependent upon compliance by the villain group with its demand. The government was prepared, as it had been for over two decades, to “wait it out.” When the villain decided to make the move to devillainize itself in the public mind, the government was prepared, in lock step, to open the door to negotiation.

Later in the process, when the talks got bogged down on the issue of Sinn Fein’s entrance into all-party talks, and the IRA broke the cease fire, thus reasserting its villainous status, the negotiation process did not get derailed. The government was able to push the negotiations forward despite these setbacks without being labeled as an appeaser or being viewed as succumbing to the villain’s tactics. The IRA villain was still a villain, but the government had demonstrated the overwhelming benefits of peace negotiations to the public, enough to withstand future storms and maintain the talks without losing face.

Three Models of Decision

Three models emerge from these examples to describe how and why designator countries decide to negotiate with their villains.

Model 1: Putting the Decision in the Villain’s Hands

In the British–Sinn Fein case, negotiation was not a decision initiated by the government. It was a consequence of certain conditions being met by the villain. The British government had declared Sinn Fein a villain and held true to its word not to negotiate until the ceasefire conditions were satisfied.

The villain, in fact, was forced to change its ways and tactics—to appear not to be a villain anymore in a very public manner—before the government was willing to accede to direct negotiations. Thus, the villain needed to “devillainize” itself in a public and credible manner. Once that reversal occurred, the British government was shielded from the accusation of appeasement and agreed to negotiations.

But this simple incapacity on the part of the government to withhold its decision to negotiate ensured a very passive government role. The government not only eliminated negotiation as an option when it villainized Silln Fein, but it also abrogated its own power to open the negotiation option until Sinn Fein decided it was ready.

Model 2: Brinkmanship

In both the Haitian and North Korean cases, the US government was well along in setting a course to implement harsh sanctions on the villains. In the Haitian case, a military invasion was imminent. In the North Korean case, U. N.-backed international sanctions were about to be implemented. All official

communications had been severed. In both situations, Jimmy Carter, as an unofficial mediator but with official US government approval, was sent in at the eleventh hour to open the communications channel. Although the press labeled both of these initiatives as ad hoc and last-minute, they share several attributes that suggest a consistent stylistic approach.

First, a mediator who had the trust of the villainous rulers was introduced. However, the mediator was a private citizen who, although a former president and briefed by the US government before his departure, did not represent the government in an official capacity. As a result, in the event of failure or an outrageous proposal, the intervention could be repudiated. Second, the mediator was given a very narrow agenda on which to conduct talks and find agreement with the villain. All issues were not out on the table. The designator sought to hold all of the cards, including harsh punishment if agreement was not reached. Third, the mediator was dispatched just before the onset of strong sanctions. Imminent punishment was threatened if the mediation efforts failed. These would be unacceptable costs from the villains' perspectives. And fourth, the mediation missions were publicized and timed as last-ditch efforts to avert the onset of sanctions. There was a very narrow window for agreement. Thus, there were very real deadline pressures, consciously developed by the U. S. government as part of its decision to negotiate. Overall, brinkmanship was the principal characteristic that motivated success in the Haiti and North Korea cases.

Model 3: Business Model

The Israeli-PLO rapprochement is an example of a model characterized by business-like interactions. Much more could be done in secret informal settings—away from the media, away from the opposition, and in the absence of public posturing—than could ever be done in an open public forum. In secret, the taboos of non-communication could be broached and overcome. In private, villainized personalities could be listened to, questioned, understood, and dealt with on a very human level. Reports from first-hand participants suggest that a collegial atmosphere was generated and a sense of affiliation developed among the participants.

This model also demonstrates pragmatism. If you want to resolve a problem, you must deal with the actors who have the authority to decide, even if they are the ones you have villainized. From a pragmatic perspective, pride must be swallowed and the necessary business accomplished. This model operates under the assumption that both parties understand their own self-interests, seek to maximize them, and will be motivated by their interests, not ideology to make the negotiation decision.

There is also a pragmatic need to work with the other side as your partner, a partner who can deliver on promises, who will not renege, and who is strong and will not bend to opposition forces. More than the other two models, this one depends on trust—trust in the villain to take initiatives and assume risks to the same degree as the designator country.

Motivating the Decision to Negotiate

The scholarly literature suggests that the decision to negotiate is motivated by certain factors under normal circumstances. Such factors include the perceived negotiability of the issue (Iklé 1964; Zartman and Berman 1982); reaching ripe moments and critical turning points (Zartman 1989; Druckman, Husbands and Johnston 1991); introducing creativity heuristics that reframe the problem (Spector 1995); finding perceived power symmetry between the parties (Rubin, Pruitt and Kim 1994); and favorable assessments in the prenegotiation phase (Stein 1989).

When deciding to negotiate with villains, additional factors appear to be influential, as demonstrated in the four illustrations. Following are brief descriptions of these factors:

- All four examples seem to share *the sense of a great historic moment* (suggested in Stein [1989]). The drama of a ceasefire, the meeting of old warriors, the unseating of military generals, and the freezing of nuclear weapons production are part of what makes this kind of breakthrough decision different from negotiation decisions under normal circumstances. The leaders sense these historic moments, grab them and seek maximum credit for them.
- The leaders who make these decisions are usually perceived as being *tough and unyielding actors or have developed a tough strategy* that presents the villain with overwhelming costs to motivate compliance or, at a minimum, the willingness to negotiate (suggested in Rubin and Brown [1975]).
- The decision makers are also *risk takers* who are willing to break the established mold in a crisis and make new and historic decisions to resolve it (suggested in Zartman and Berman [1982]).
- The leaders are *astute and practical* politicians; they find a way to make the risky decision and shield themselves and their governments from potential negative fallout. For example, the use of *unofficial mediators and facilitators* is usually an important element in such face saving strategies. These intermediaries are positioned as convenient *scapegoats* in the event that the negotiations fail or public opinion backfires (suggested in Sherif [1967]).
- *Principles, values and ideology must be temporarily suspended* in favor of the decision to negotiate (suggested in Kelman [1996]). Convictions need not be

compromised, but a dogged and pragmatic outlook must be developed.

- *Negotiation goals are usually very limited and incremental* (suggested in Fisher, Ury, and Patton [1991]). Achieving agreement on very narrow, pragmatic interests needs to be the focus of talks with villains to achieve short-term goals that can end imminent bloodshed.
- While constraining ideology could be suspended, *deeply rooted hatreds and animosities were not forgotten or dealt with directly* in ally of these cases. The pragmatism of the negotiations ignored many of the underlying emotional issues of the conflicts. The hope is that such affect will recede over time as relations normalize.
- It appeared that some progress was made in *reframing the conflict and the image of the villain*, particularly for the long-term insurgencies; less progress was made in this regard in the rogue challenges that confronted the United States (suggested in Finlay, Holsti, and Fagen [1967]; Volkan [1988]).
- *Overwhelming incentives* proved to be powerful and, perhaps, catalytic factors influencing the decision to negotiate. In the two rogue challenges, extreme negative costs were threatened if negotiations were not successful. In the two insurgencies, positive incentives—the cessation of violence—were promised as an element of the decision to negotiate. Without these major rewards or punishments, the decisions to negotiate may not have been successful in achieving their ends. In fact, the punishments needed to be an integral part of the negotiation decision strategy for the leaders to take the risk, in the event of negotiation failure or loss of face.

Ethical Pragmatism

Finally, obvious ethical questions are posed by the idea of negotiating with villains. Is it the duty of leaders to negotiate no matter what? Can one really negotiate with the likes of a Saddam Hussein?

The decision to negotiate with villains to stop human rights abuses and possible bloodshed can be seen as a principled decision. Abba Eban, Jimmy Carter and others advocate a morally neutral approach in such negotiations, one that does not excuse the villain's crimes, but is committed to keeping pragmatic, business-like communication channels open, so that conflicts and crises can be averted through good faith negotiations. Their approach effectively separates the present from the past, while not forgiving or forgetting the past; thus former hatreds do not cast a pall over opportunities for conflict resolution in the present or the future.

This position, however, leads to some ethical dilemmas. The agreement with Haiti's generals, brokered by Carter, rewarded the perpetrators of human rights

abuses. Carter's goal was to negotiate any agreement that would ensure the removal of the generals. He succeeded in that limited goal, but as a result, the military leaders escaped accountability and were granted waivers from prosecution for their human rights violations (Williams and Petrie 1995).

Mediators are also faced with a painful balancing act. Is it better to save lives in the short term through brokering a ceasefire with villains, even though they may remain in power and can continue to perpetrate human rights abuses on the public? Or is it better to take the longer road and avoid "collaborating" with the villains, promoting actions that will not only drive them from power but establish a more stable and longer lasting peace settlement (see Touval, 1995)? Negotiating a ceasefire may save lives in the short run, but at the cost of accepting horrific abuses that have already been perpetrated. On the other hand, negotiating a longer-term solution—a real peace—that rights the injustices of the past may yield a more stable and long-lasting settlement, but requires more time during which more lives may be lost.

What these cases suggest is that leaders need to practice an *ethical pragmatism* in negotiation. On one hand, such a policy implies an ethical perspective, far removed from any ideology that has perpetuated a struggle and villainization. It is an ethical perspective that is based on humanistic precepts that place the saving of lives and the cessation of bloodshed as the highest priority. On the other hand, ethical pragmatism emphasizes a business-like approach to solving conflicts—putting aside taboos that limit communication and interaction in favor of direct discussions with those who have the authority to make decisions and the power and resources to carry them out. This may mean negotiating with villains.

NOTES

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- 2 "Low-salient" enemies tend to be nonideological opponents. Disputes with such enemies may concern important, though not strongly emotional issues. "High-salient" enemies, on the other hand, are often described in ideological terms by the designating state. Disputes with these enemies are more likely to deal with deeply rooted interests such as identity, security, or ethnicity.

- 3 Perhaps the best-known example of such a case for American readers is the relationship between the governments of the United States and Fidel Castro's Cuba for the past 35 years. Cuban resolve to stand as a bulwark of opposition to the U. S. seems to have only been reinforced by the maintenance of American sanctions, including the no-negotiation policy (though this policy has sometimes been relaxed to allow for emergency talks in recent years).
- 4 The release from prison and apparent exile of Chinese human rights activist Wei Jingsheng in November 1997 occurred shortly after U. S. President Clinton held high level talks with Chinese President Jiang Zemin in Washington. Wei's release appears to be in response to the U. S. policy of "constructive engagement" toward China rather than a no-negotiation approach. The Chinese were able to save face by claiming the release was to obtain medical treatment, while their action enables Clinton to deflect charges that he is too soft on China.
- 5 The 9-16 January 1995 issue of *The New Republic* reports this criticism in an editorial titled, "Merry Christmas, Mr. Karadzic" (p. 7).
- 6 British Prime Minister Tony Blair has similarly been derided as a traitor for meeting and shaking hands with Gerry Adams, the Sinn Fein leader (14 October 1997, *Washington Post*, p. A1). Blair stated that, from his point of view, it is important to treat members of Sinn Fein as human beings, not villains, for only then can a peaceful settlement be negotiated.
- 7 For the detailed case analyses and source materials on each of the four examples mentioned here, see Spector (1996).
- 8 See the special issue of *International Negotiation* 2 (2), 1997, entitled "Lessons learned from the Middle East peace process" for details and analysis of the Oslo channel.
- 9 Hume is quoted as taking the principled route of negotiating with villains. He said, "I sat down and thought it through, and I decided if after twenty-five years and 20,000 troops that if I could save even one life by talking to that man (Gerry Adams) I would do it" (Kelly, 1994 : 5).

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